

INITIAL STATEMENT OF REASONS:

This action amends provisions governing confidential calls between inmates and attorneys within the California Department of Corrections and Rehabilitation (Department). California Code of Regulations, Section 3282 is being amended to specify and standardize requirements to be met for confidential phone calls between Attorneys and Inmates.

These regulations are recommended by the Office of the Inspector General based on a confidential phone call that was granted between an attorney and inmate without following proper procedure, and are necessary to specify and standardize the process that attorney must complete in order to receive approval for a confidential phone call with an inmate. This will provide clarity, consistency and standardization on regulations governing confidential calls for the Department of Corrections and Rehabilitation.

These regulations will update current language relating to inmate /attorney confidential phone calls. In addition, these regulations provide new language governing the process by which an attorney must complete in order to receive approval for a confidential phone call with an inmate.

The Department has determined that no reasonable alternatives to the regulations have been identified or brought to the attention of the Department that would lessen any adverse impact on small business.

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony or other evidence provided that would alter the Department's initial determination.

The Department has determined that this action imposes no mandates on local agencies or school districts, or a mandate, which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

The Department must determine that no alternative considered would be more effective in carrying out the purpose of this action or would be as effective, and less burdensome to affected private persons than the action proposed.

Subsections 3282(a) through (f) are unchanged.

Subsection 3282(g)(1) initial sentence is amended and new language is adopted to reflect and specify the necessary personal and professional information that an Attorney must provide in order to receive approval for a confidential phone call with an inmate. These regulations are necessary in order to maintain safety and security for the Facility/Institution, inmates, staff, and the public.

Existing text from subsection 3282(g)(1) secondary sentences are relocated to new subsection 3282(g)(5).

Existing subsections 3282(g)(2) through (3) are renumbered and relocated to new subsections 3282(g)(6) through (7).

New subsection 3282(g)(2) is adopted to reflect and specify the necessary declarations, verification of client representation and need for the confidential phone call with an inmate in order to receive approval for a confidential phone call with an inmate. These regulations are necessary in order to maintain safety and security for the Facility/Institution, inmates, staff, and the public.

New subsection 3282(g)(3) is adopted to reflect consequences an attorney may face if they provided false statements or deliberate misrepresentation of facts specific to information requested.

New subsection 3282(g)(4) is adopted to specify upon receipt of the information specified in (g)(1), a California Law Enforcement Telecommunications System check of the attorney through the Department of Justice and verification of the attorney's credential through the governing state bar will be conducted. Once clearance has been approved, the attorney may schedule the confidential phone call with the inmate. In order to retain their approval/clearance, the attorney shall report any changes in personal and professional information, arrest history and declarations as noted in subsection (g)(2).

New subsection 3282(g)(5) is relocated from existing subsection 3282(g)(1) secondary sentences and text is unchanged.

New subsections 3282(g)(6) through (7) are renumbered and relocated from existing subsections 3282(g)(2) through (3) and text is unchanged.

Subsections 3282(h) through (i) are unchanged.